

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JEFFREY L. CROOM,	:	
Plaintiff,	:	
	:	
-vs-	:	Civ. No. 3:00cv1805 (PCD)
	:	
WESTERN CONNECTICUT STATE	:	
UNIVERSITY,	:	
Defendant.	:	

**RULINGS ON DEFENDANT’S MOTION FOR PERMISSION TO TAKE THE
DEPOSITION OF THE CUSTODIAN OF THE RECORDS AND PLAINTIFF’S MOTION
TO TAKE UP TO THREE ADDITIONAL DEPOSITIONS**

Defendant moves for permission to depose the custodian of the records after the close of discovery.¹ Plaintiff moves for permission to conduct three more depositions if defendant’s motion is granted. For the reasons set forth herein, defendant’s motion is granted and plaintiff’s motion is denied.

I. MOTION FOR LEAVE TO DEPOSE CUSTODIAN OF THE RECORDS

Defendant argues that it should be granted leave to depose the custodian of the records for the University of Missouri for purposes of authenticating certain documents produced by plaintiff from his personnel file while there employed. Plaintiff responds that defendant has no need to authenticate the documents thus should not be granted leave to conduct the deposition.

Plaintiff does not dispute defendant’s contention that he was twice contacted in efforts to obtain

¹ Defendant initially filed the present motion on May 15, 2002, which was denied without prejudice to refiling for failing to comply with this Court’s Supplemental Order procedures on motion practice. The initial motion was filed prior to the May 20, 2002 close of discovery as defined by the April 19, 2002 ruling on the joint motion for an extension of time in which to depose experts.

waiver of objections to admissibility of the personnel file documents on all grounds excluding relevance. Plaintiff instead replies that the documents would be admissible notwithstanding the failure to either obtain his stipulation or depose the custodian of the records. With all due deference to plaintiff's knowledge of the *Federal Rules of Evidence* and confidence in bases for admissibility other than under the hearsay exception for business records, *see* FED. R. EVID. 803(6), questions as to the relevance and admissibility of the documents are matters for this Court to resolve. Defendant requested the waiver of objections within the permissible discovery period and thereby provided a reasonable alternative to the expense of conducting another deposition in efforts to authenticate documents produced by plaintiff, who chose not to comply.

Defendant is therefore granted leave to depose the custodian of the record for purposes of authenticating the records produced by plaintiff of the University of Missouri. Plaintiff may forego the deposition by providing defendant with a stipulation that the documents he produced from the University of Missouri are true and accurate representations of the original documents.

II. MOTION TO CONDUCT THREE MORE DEPOSITIONS

Plaintiff argues that he should be permitted to conduct three more depositions for purposes of pursuing what he perceives to be a violation of his rights under the Connecticut Constitution based on a grievance hearing regarding him conducted on May 30, 2002. Plaintiff does not argue how this alleged act is in any way relevant to the discrimination claims presently before this Court thus justifying further delay to conduct more depositions in an already protracted proceeding in which a summary judgment motion is now pending. Plaintiff's motion is denied.

III. CONCLUSION

Defendant's motion for permission to take the deposition of the custodian of records (Doc. 128) is **granted**. Plaintiff's motion to take up to three additional depositions (Doc. 130) is **denied**. It is suggested that defendant try to avoid the expense of authentication by deposition by a Request to Admit the authentication, a procedure which will test the justification of any objection to authentication of documents plaintiff produced.

SO ORDERED.

Dated at New Haven, Connecticut, July __, 2002.

Peter C. Dorsey
United States District Judge